

REMARKS

The Examiner's Action of June 22, 2007, is noted. The listing of the references in the Specification is now provided in an Information Disclosure Statement and the trademark "ZIPLOCK" is referred to in the first instance as having interlocking lips as recited in original Claim 2. No new matter is incorporated hereby.

This leaves the rejection of the claims under 35 USC 102 as being anticipated by Wilson and under 35 USC 103 as being unpatentable over Wilson in view of Beaudette.

Applicant has amended independent Claim 1 to include the subject matter of dependent Claim 6 and has canceled Claims 6 and 7 without prejudice. This provides Claim 1 with the feature of having a capped spout at the bottom of the bag to permit draining the bag of oil once it is filled. This feature is also recited in Claim 15, and Claim 16 is canceled without prejudice. Note that the bottom spout feature is neither shown nor taught in the Wilson reference.

As to Beaudette, the spout is not at the bottom portion of the bag and does not function as an outlet. Rather, the Beaudette spout is at the top and it is used as a "drinking straw conduit."

First and foremost, it will be seen that conduit 30 in Beaudette along with its attendant apparatus is nowhere near the bottom of container 13 but rather is positioned specifically at the top of the container to prevent the outpouring of the contents of the container from an outlet whose purpose is for the insertion of a straw for the suction removal of the contents of the container.

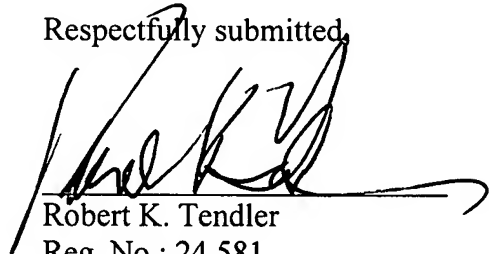
In short, the purpose of the Beaudette conduit 30 is to prevent outflow of the contents of the container and to allow suction removal. It is specifically placed at the top of the container to prevent the claimed outflow as it will normally be above the top of the liquid in the container.

It is therefore Applicant's contention that the Beaudette reference teaches away from the claimed invention and indeed cannot function as the claimed outlet spout.

As a result, it would not be obvious to combine the Beaudette reference with the Wilson reference to anticipate the claimed subject matter.

Allowance of the claims and issuance of the case are therefore earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Robert K. Tendler', written over a horizontal line.

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